

Assembly Bill No. 686

CHAPTER 572

An act to amend Section 24216 of, and to add Section 22112.6 to, the Education Code, relating to school employees.

[Approved by Governor September 29, 1997. Filed
with Secretary of State September 30, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 686, Baugh. School employee retirement.

(1) The State Teachers' Retirement Law defines the term "class of employees" for purposes of various benefit determinations.

This bill would authorize specified county offices of education to revise the definition of that term.

(2) The State Teachers' Retirement Law authorizes school governing boards to encourage retirements by providing additional service credit and provides that those retired members are subject to postretirement school employment limitations.

This bill would exempt certain types of postretirement school employment from that restriction after the person has been retired for one year.

The people of the State of California do enact as follows:

SECTION 1. Section 22112.6 is added to the Education Code, to read:

22112.6. Notwithstanding Section 22112.5, any county office of education that, prior to January 1, 1997, operated a special education program for up to 225 days, and changes that program to a regular school year of not less than 180 school days with an extended year of not more than 45 days effective July 1, 1998, may consider days of service in defining not more than two classes of employees, subject to the following:

(a) Members employed in the 225-day program prior to October 1, 1997, may remain in a class of employees for whom full-time service is 216 days per year.

(b) Any of those members may elect to belong to a second class of employees for whom full-time service is fewer than 216 days per year, but not less than the minimum standard specified in paragraph (1) of subdivision (b) of Section 22138.5, if both of the following conditions exist:

(1) The election is made on or before June 30, 1998, and is effective July 1, 1998.

(2) The election is nonrevocable.



(c) All certificated employees hired on or after October 1, 1997, shall belong to the class of employees specified in subdivision (b).

(d) This section shall not apply to certificated employees whose base year is determined pursuant to subparagraph (A) or (B) of paragraph (2) of subdivision (b) of Section 22138.5.

SEC. 2. Section 24216 of the Education Code is amended to read:

24216. (a) (1) A member retired for service who is appointed as a trustee or administrator by the Superintendent of Public Instruction pursuant to Section 41320.1, or a member retired for service who is assigned by a county superintendent of schools pursuant to Article 2 (commencing with Section 42120) of Chapter 6 of Part 24, shall be exempt from subdivisions (d), (e) and (f) of Section 24214 for a maximum period of two years.

(2) The period of exemption shall commence on the date the member retired for service is appointed or assigned and shall end no more than two calendar years from that date, after which the limitation specified in subdivisions (d), (e) and (f) of Section 24214 shall apply.

(3) An exemption under this subdivision shall be granted by the system providing that the Superintendent of Public Instruction or the county superintendent of schools submits documentation required by the system to substantiate the eligibility of the member retired for service for an exemption under this subdivision.

(b) (1) A member retired for service who is employed by an employer to perform creditable service in an emergency situation to fill a vacant administrative position requiring highly specialized skills shall be exempt from the provisions of subdivisions (d), (e) and (f) of Section 24214 for creditable service performed up to one-half of the full-time equivalent for that position, if the vacancy occurred due to circumstances beyond the control of the employer. The limitation specified in subdivisions (d), (e) and (f) of Section 24214 shall apply to creditable service performed beyond the specified exemption.

(2) An exemption under this subdivision shall be granted by the system subject to the following conditions:

(A) The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.

(B) The employment is reported in a public meeting of the governing body.

(C) The employer submits documentation required by the system to substantiate the eligibility of the member retired for service for an exemption under this subdivision.

(c) This section shall not apply to any person who has received additional service credit pursuant to Section 22715 or 22716.

(d) A person who has received additional service credit pursuant to Section 22714 shall be ineligible for one year from the effective date of retirement for the exemption provided in this section for work performed in the district from which he or she retired.



(e) This section shall become operative on July 1, 1995, and shall remain in effect only until July 1, 2000, and as of that date is repealed, unless a later enacted statute, which is enacted before July 1, 2000, deletes or extends that date.

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